

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, July 15, 2015**  
**9:30 A.M.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: July 3, 2015**

**RE: Closed Session of the Board to be held on July 15, 2015**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), (e) and (f) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session. Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.

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**DECISIONS OF ADMINISTRATIVE LAW JUDGES:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. JONES LANG LASALLE, 13-R2D1-0608 AND 0609
2. RJP FRAMING, INC., 13-R2D1-3729
3. SHIMMICK CONSTRUCTION CO., INC. /OBAYASHI CORP. JV., 11-R2D1-2562 THROUGH 2570
4. W A RASIC CONSTRUCTION COMPANY, INC., 13-R3D1-2951 AND 2952

**PETITIONS FOR RECONSIDERATION:**

1. J&A FOOD SERVICE, INC., DBA BURGER KING, 15-R2D3-0726
2. FISHER METAL PRODUCTS, INC., 15-R2D4-9011

**DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):**

1. OLDCASTLE PRECAST, INC., 13-R3D3-0583

**ORDERS DISMISSING APPEAL:**

1. CUTTING EDGE AGGREGATES, INC., 14-R5D3-2382

**MATTERS INVOLVING LATE APPEALS:**

*(These are matters such as orders dismissing appeal, orders granting leave to file late appeal and orders denying leave to file late appeal)*

**MATTERS HELD OVER FROM PREVIOUS MEETINGS:**

*(If the Board is unable to conclude its deliberations and/or if any matter(s) is (are) put over from a previous meeting, they will be further discussed.)*

**MATTERS PENDING RECONSIDERATION:**

*(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)*

1. A TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 11-R5D1-1895 (ER)
2. A TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 11-R5D1-1895 (DOSH)
3. B.A.R.T., 11-R2D2-3137 THROUGH 3139 (ER)
4. BENCHMARK CONTRACTORS, INC., 14-R4D1-1048
5. CHEVRON U.S.A. INC., 13-R6D3-0655 THROUGH 0662
6. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
7. CYBERNET ENTERTAINMENT, LLC, 14-R6D1-0364
8. DIONYSUS DREAM INC., DBA NEWPORT MESA CARWASH & SERVICE, 15-R6D5-9087
9. ECHO ALPHA INC. ET AL, 14-R3D1-0802 THROUGH 0804
10. EKEDAL CONCRETE, INC., 13-R3D1-0131 THROUGH 0133

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11. GOLDEN STATE WARRIORS, 15-R1D4-9060
12. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
13. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
14. McCARTHY BUILDING CO., INC., 12-R1D4-3458
15. MCM CONSTRUCTION, INC., 13-R1D2-3851 THROUGH 3854
16. NATIONAL DISTRIBUTION CENTERS, LP, 12-R6D2-0391
17. GONZALO OLASCOAGA DBA GONZALO OLASCOAGA, 13-R6D5-2097  
AND 2098
18. SIERRA FOREST PRODUCTS, 09-R2D5-3979
19. SKYLINE HOMES, INC., 15-R3D3-9035
20. TREASURE ISLAND MEDIA, INC., 11-R6D1-1093 THROUGH 1095
21. TRI-STATE STAFFING, 12-R6D2-0378
22. UNITED PARCEL SERVICE, 14-R2D1-1779
23. HERMAN WEISSKER, INC., 13-R3D1-3279

**LEGISLATION:**

**PENDING LITIGATION:**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**SUPERIOR COURT:**

1. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
2. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
3. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)

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4. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
5. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
6. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
7. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
8. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
9. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
10. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
11. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
12. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
13. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
14. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
15. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
16. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
17. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575 (12-R5D1-337)
18. CA PRISON INDUSTRY AUTHORITY, 13 C 0327 (08-R2D5-3426 ~ 3429)
19. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
20. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-80001749 (2008-R2D1-3414 THROUGH 3418)
21. SHIMMICK-OBAYASHI, 34-2014-80001750 (08-R3D3-5023 THROUGH 5025)
22. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
23. BAY AREA RAPID TRANSIT DISTRICT, RG14715710 (10-R1D1-3056 THROUGH 3058) (DOSH)

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24. BAY AREA RAPID TRANSIT DISTRICT, RG14715720 (10-R1D1-3056 THROUGH 3058) (3<sup>rd</sup> Party)
25. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817 (09-R6D2-2238 ~ 2241)
26. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)
27. BARNARD IMPREGILO HEALY JV, CPF-14-513697 (14-R5D1-9013)
28. IRWIN INDUSTRIES, BS14-9634 (12-R4D3-3276 & 3277)
29. TL PAVLICH CONSTRUCTION, INC., BS14-9660 (11-R3D6-1303 THROUGH 1310)
30. DAVIS DEVELOPMENT CO., 34-2014-80001892 (10-R3D1-3360 THROUGH 3362)
31. MORROW MEADOWS CORP., BS151385 (09-R3D3-2295)
32. FEDEX GROUND PACKAGING SYSTEM, INC., CIVDS1415696 (13-R3D1-1220)
33. KEY ENERGY SERVICES, INC., S-1500-CV-283958, EB (13-R4D3-2239 ~ 2242)
34. KDTD, INC. DBA KD DEVELOPMENT, INC., 37-2015-00003550-CU-WM-CTL (14-R3D2-1935 & 1936)
35. HHS CONSTRUCTION, 34-2015-80002052 (12-R3D2-0492 THROUGH 0497)
36. MARIA DE LOS ANGELES COLUNGA dba MERCED FARM LABOR, 15CV-00945 (08-R2D1-3093 ~ 3098)
37. STANISLAUS FOOD PRODUCTS CO., 34-2015-80002087 (13-R2D4-0572 ~ 0574)

**APPELLATE COURT:**

1. XL CONSTRUCTION, C074514, 34-2009-80000300 (08-R1D2-1191 THROUGH 1193)
2. AC TRANSIT, A142799, RG13-687314 (08-R1D4-0135)
3. THYSSENKRUPP ELEVATOR CORPORATION, C077115, 34-2013-80001456 (11-R2D1-2217 ~ 2219)
4. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, C078953, 34-2011-80000965, (10-R6D2-0188 THROUGH 0191)

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

1. ABC CUSTOM WOOD SHUTTERS, INC., 15-R6D2-1349
2. ALPHACAST FOUNDRY INC., 14-R6D2-4083 THROUGH 4090
3. ANAHEIM CITY SCHOOL DISTRICT, 15-R3D1-1241
4. A U S DECKING, INC., 15-R1D2-1943 AND 1944
5. BRIGHT LIGHT HOLDINGS, LLC, DBA BRIGHTLIGHT WELDING & MANUFACTURING DBA BRIGHT LIGHT WELDING & MANUFACTURING, 14-R6D1-3201 THROUGH 3211
6. CA CORRECTIONS & REHABILITATION, 15-R3D3-2023
7. CALIFORNIA DRYWALL CO., 16-R1D4-1739
8. CALJAX, INC. DBA JACK N BOX, #5334, 15-R2D4-1897
9. CARGILL SALT, 15-R1D4-2136
10. JOSE CASCO DBA TERRA SOL DESIGN BUILDERS, 14-R6D7-3589 AND 3590
11. CENTRAL COAST TREE & TIMBER SERVICE, 14-R1D2-3305 AND 3306 AND 15-R1D2-2311
12. CIRCLE M CONTRACTORS INC., 14-R3D2-3076 AND 3077
13. CITY OF SAN JOSE, 15-R1D2-1655 AND 1656
14. DENNY'S RESTAURANT, 14-R2D4-3978
15. DRESSER-RAND GROUP, INC., 15-R4D7-1811
16. EBIOSCIENCE, 14-R3D2-1504 THROUGH 1507
17. EMERALD PACKAGING, INC., 15-R1D4-1661 THROUGH 1663
18. ENGEL HOLDINGS, INC. DBA CABRILLO HOIST, 15-R1D1-1734
19. FRY REGLET INC., 15-R6D2-1843 THROUGH 1848

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20. FURNITURE TRADITIONS, INC., 14-R6D2-4040
21. GHIRARDELLI CHOCOLATE COMPANY, 14-R1D4-0288 THROUGH 0291
22. GREATWIDE DISTRIBUTION LOGISTICS, LLC, 14-R4D4-2400
23. HILDE-BRAND FURNITURE INC., 15-R6D1-0596 AND 0597
24. DARRIN HOOVER DBA D R HOOVER CONSTRUCTION, 15-R6D7-0816  
THROUGH 0818
25. IN-N-OUT BURGER, 15-R1D4-1981
26. JOHNSON LEATHERS CORPORATION, 15-R1D1-1099 THROUGH 1102
27. LA JOLLA PLAYHOUSE, 13-R3D2-1574 THROUGH 1578
28. LANSCO ENGINEERING, 15-R4D7-0913
29. KAWEAH DELTA HEALTH CARE DISTRICT, 15-R2D5-0374
30. METROPOLITAN WATER DIST OF SO CA IRON MOUNTAIN PUM,  
15-R3D3-1026
31. NET SHAPES INC., 14-R6D2-3349 THROUGH 33358
32. PACE DIVERSIFIED CORPORATION, 15-R4D7-1930
33. PITMAN FARMS, 15-R7D1-1532 THROUGH 1535
34. JOEL E. PORTNOY DBA CAR CARCANIX, 15-R6D7-1177 AND 1178
35. RCO INC., 15-R3D5-1330
36. RIDOUT ROOFING CO. INC, 15-R2D4-0023
37. ROLLA J WILHITE INC. DBA BERYLWOOD TREE FARM, 15-R6D2-0691  
THROUGH 0693
38. SACRAMENTO COUNTY WASTE MANAGEMENT & RECYCLING,  
15-R2D1-1666
39. SAN JOAQUIN COUNTY PARKS & RECREATION, 15-R2D4-1023
40. SAN JOAQUIN COUNTY PUBLIC HEALTH SERVICE LABORATORY,  
15-R2D4-1022

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41. S. M. RULAND CORP DBA RULAND USED OFFICE FURNISHINGS,  
15-R2D1-1954
42. STANFORD FURNITURE MFG., INC., 15-R6D1-0887 AND 0888
43. SWINERTON BUILDERS DBA SWINERTON RENEWABLE ENERGY,  
15-R4D7-1813
44. T & D SERVICES INC., 15-R3D3-0332 THROUGH 0334
45. TEC OF CALIFORNIA INC., 15-R3D3-0139 AND 0140
46. TOPSTAR FLORAL INC., 15-R6D2-1353 THROUGH 1356
47. TRADE SUPPLIES INC., 15-R3D5-1692 AND 1693
48. TRI VALLEY WOODCRAFTERS, INC. DBA CERTA PRO, 14-R2D2-3799  
AND 3800
49. UC REGENTS UC DAVIS, 15-R2D1-1181 AND 1182
50. ALFREDO G. URQUIDEZ JR. DBA AG UNLIMITED, 15-R1D2-0351 AND 0352
51. NATALIE WADE, 15-R1D4-2007 THROUGH 2010
52. WEST COAST EQUIPMENT, 15-R2D4-0700
53. WINDSOR WILLITS CO DBA WINDSOR MILL, 13-R2D3-3367 AND 3368

**PERSONNEL:**

*(Issues regarding staff.)*

Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.